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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,901	07/16/2002	Reijo Jokinen	TURPAT-5	8003
20455	7590	03/05/2004	EXAMINER	
LATHROP & CLARK LLP 740 REGENT STREET SUITE 400 P.O. BOX 1507 MADISON, WI 537011507			RAGONESE, ANDREA M	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/913,901	<b>Applicant(s)</b> JOKINEN ET AL.	
	<b>Examiner</b> Andrea M. Ragonese	<b>Art Unit</b> 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-63 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20031107</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on November 7, 2003 has been entered. Examiner acknowledges that **claims 28-63** have been amended.

### *Response to Arguments*

2. Applicant's remarks, filed November 7, 2003 [see page 11], have been fully considered but they are not persuasive. **Claim 50** still recites the limitation "said ejection nozzle" in line 2. Changing dependency by amending **claim 50** to be dependent on **claim 49** still does not provide sufficient antecedent basis for this limitation. Examiner suggests that deleting "ejection" and inserting – injection – therefor would clear up any indefiniteness found in **claim 50**.

3. Applicant's arguments with respect to **claims 28-63** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 50** is still rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Claim 50** recites the limitation "said ejection nozzle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 28, 29, 31, 32, 35-53, 56-58 and 60-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4,359,827) in view of Heikkilä (US 5,163,236). Thomas teaches an apparatus in a drying section **20** of a paper machine and a method inherent in the use of the apparatus comprising all limitations recited in **claims 28, 29, 31, 32, 35-53, 56-58 and 60-63**, with the exception of a control means for increasing and decreasing the negative pressure in the intensified negative pressure region. However, the use of this type of control means was known at the time the invention was made. Specifically, Heikkilä teaches the use of a regulating means for "regulating both of these negative pressures...by adjusting the amount of air being

suctioned" (column 8, line 26 through column 9, line 2). The amount of negative pressure that is increased or decreased is dependent one at least one parameter which acts on the runability of the web and which can be varied during the run. The amount is calculated based on values of these different parameters, as taught by Heikkilä (column 9, lines 3-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the control means of Thomas to have the capability of both decreasing *and* increasing (as opposed to just decreasing) the negative pressure in the negative pressure regions of a drying section in a paper machine. This is due to the fact that it is well known in the art, as taught by Heikkilä, to increase and decrease this negative pressure in order to "attract the web **W** into efficient drawing contact with the drying and drawing wire" and to obtain "a good adhesion of the web to the wire" (column 8, lines 4-25).

9. **Claims 30, 33, 34, 54 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4,359,827) in view of Heikkilä (US 5,163,236). Thomas in view of Heikkilä teaches an apparatus in a drying section **20** of a paper machine and a method inherent in the use of the apparatus comprising all limitations recited in **claims 30, 33, 34, 54 and 55**, but does not expressly disclose the ranges of the pressure in the negative pressure regions or the distances that the negative pressure regions are situated from the disengaging point. At the time of the invention was made, it would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the most effective variables of the apparatus and the method inherent in its use to achieve optimal performance of the apparatus and its

method in order to effectively dry the paper web. Therefore, it would have been obvious to modify the apparatus and its method of use of Thomas in view of Heikkilä to obtain the invention as specified in **claims 30, 33, 34, 54 and 55** by utilizing the specific ranges as claimed in the instant application. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

10. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 4,359,827) in view of Heikkilä (US 5,163,236). Thomas in view of Heikkilä teaches an apparatus in a drying section **20** of a paper machine and a method inherent in the use of the apparatus comprising all limitations recited in **claim 59**, but does not expressly disclose a twin wire run. At the time of the invention was made, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a twin wire run instead of a single wire run because Applicant has not disclosed that a twin wire run provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a single wire run because it supports the web as it travels through the press and drying sections of the apparatus. Therefore, it would have been obvious to modify the apparatus and the method of use of Thomas in view of Heikkilä to obtain the invention as specified in **claim 59**.

### **Conclusion**

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Andrea M. Ragonese** whose telephone number is (703) 306-4055. The examiner can normally be reached on Monday through Thursday from 8 am until 4 pm ET.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

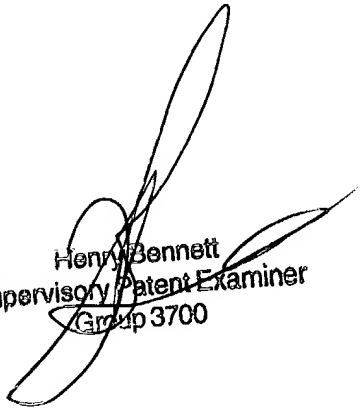
15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3743

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

amr

March 4, 2004



Henry Bennett  
Supervisory Patent Examiner  
Group 3700